

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SHERI SHERIFF,

Plaintiff,

vs.

MIDWEST HEALTH PARTNERS, P.C.,  
and MIDWEST OB-GYN CLINIC, P.C.,

Defendants.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

8:07CV475

ORDER

This matter is before the court on the defendants' Motion for Summary Judgment ([Filing No. 34](#)).<sup>1</sup> The defendants filed a brief ([Filing No. 35](#)) and an index of evidence ([Filing No. 36](#)) in support of the motion. The plaintiff filed a brief ([Filing No. 40](#)) and an index of evidence ([Filing No. 41](#)) in opposition to the motion. The defendants did not file a reply. Upon consideration of the pleadings, evidence, and briefs of the parties, the court concludes the motion should be denied.

The plaintiff, a female employee of the defendants, claims discrimination on the bases of gender, hostile work environment, sexual harassment and constructive discharge - all prohibited by 42 U.S.C. § 2000e-2(a) and/or Neb. Rev. Stat. § 48-1104 and § 48-1114. Specifically, the plaintiff alleges another employee or partner of the defendants, Curtis Meyer, D.C., kissed her on the temple and placed his arm around her abdomen and squeezed her to him on several occasions. The defendants deny Meyer's conduct constitutes sexual harassment because Meyer, a "touchy person," treated women and men the same. On the evidence presented, the court finds genuine issues of material fact preclude entry of summary judgment on the issue raised by the defendants. Accordingly,

**IT IS ORDERED:**

The defendants' Motion for Summary Judgment ([Filing No. 34](#)) is denied.

DATED this 2nd day of December, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge

---

<sup>1</sup>The undersigned magistrate judge exercises jurisdiction over this matter after consent by the parties and transfer by United States Chief District Court Judge Joseph F. Bataillon. See [Filing No. 21](#).